

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROSEMARY HALLEY GARRETT,	§	
	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION H-06-2346
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

MEMORANDUM AND OPINION

The petitioner has failed to submit an application to proceed as a pauper or to pay a fee of \$5.00, as required by the Clerk's Notice of Deficient Pleading dated August 1, 2006. The notice specifically provided that failure to comply as directed may result in the dismissal of this action. The petitioner's failure to file an application to proceed *in forma pauperis* or pay the filing fee forces this court to conclude that she lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b)

& (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED on September 27, 2006, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', is written over a horizontal line.

Lee H. Rosenthal
United States District Judge